

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

DAVID W. TAYLOR,)	
)	
Petitioner,)	
)	
v.)	No. 1:02-CR-9-CLC-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

Federal prisoner David Taylor (“Petitioner”) filed motions for post-conviction relief pursuant to 28 U.S.C. § 2255 on January 3, 2011 and May 2, 2012 [Docs. 61, 76; E.D. Tenn. Case Nos. 1:10-cv-21-RAE and 1:12-cv-141-CLC]. The first was denied with prejudice and second transferred to the Sixth Circuit for want of leave to file a second or successive petition under § 2255(h)(2). Petitioner recently submitted what the Court interprets to be another “memorandum” attacking the same conviction [Doc. 90]. After review, this Court finds that Petitioner intended the document to constitute a successive 2255 petition.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court. Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the filing [Doc. 90] to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

AN APPROPRIATE ORDER WILL ENTER.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE